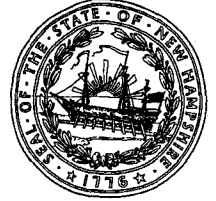




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

GRJH, Inc.
c/o Lauren Simons
PO Box 728
Sharon, CT 06069

Re: Cobble Pond Farms Water System
Madison, New Hampshire
EPA# 1468050

ADMINISTRATIVE ORDER
No. WD 05-030

October 28, 2005

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division to GRJH, Inc. pursuant to RSA 485. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, New Hampshire.
2. GRJH, Inc. ("GRJH") is a corporation registered to do business in New Hampshire having a mailing address of PO Box 728, Sharon, CT 06069.

C. STATEMENTS OF FACTS AND LAW

1. Pursuant to RSA 485, DES regulates public water supplies. Pursuant to RSA 485:3, the Commissioner of DES has adopted Env-Ws 300 ("Drinking Water Rules") to implement this program.
2. GRJH is the owner of a water system known as Cobble Pond Farms (f/k/a Cradocks Corner) which serves a gas station that includes a snack bar that serves an estimated population of at least 25 persons located on Rte 113 in Madison, New Hampshire ("Water System"). The Water System is a transient, non-community water system as defined in Env-Ws 302.02(ca).

I. BACTERIA MONITORING

3. Env-Ws 315.01 requires all transient, non-community water systems to monitor for bacteria in accordance with a schedule based on the population served by the system.

4. Env-Ws 325.05 requires transient, non-community water systems serving fewer than 1,000 people to submit a minimum of one sample every six months to test for the presence of total coliform bacteria.
5. Env-Ws 321.09 requires every public water system owner to conduct monitoring at the time designated by DES in accordance with the system's sampling schedule provided by DES.
6. The Water System was designated to conduct bacteria sampling during the months of May and November. On or about November 29, 2000, DES sent GRJH a letter describing the water sampling requirements and enclosed a Master Sampling Schedule depicting when bacteria and chemical samples were due.
7. The Water System failed to submit water samples for bacterial analysis during the scheduled sampling months of May 2001 and May 2002.
8. On or about July 9, 2002, DES issued a Letter of Deficiency ("July 2002 LOD") to the Water System for failing to submit water samples for bacterial analysis in May 2001 and May 2002. The July 2002 LOD requested the Water System to submit water samples for bacterial analysis in May and November each year.
9. The Water System received the July 2002 LOD on July 16, 2002, as evidenced by a signed postal receipt.
10. The Water System failed to submit a water sample for bacterial analysis in November 2002, but did submit samples in May 2003 and November 2003.
11. The Water System failed to submit a water sample for bacterial analysis in May 2004, but did submit a sample in November 2004.
12. The Water System failed to submit a water sample for bacterial analysis in May 2005.
13. Env-Ws 325.05(f) provides that a transient, non-community water system on reduced bacteria monitoring (semi-annual monitoring) shall be returned to standard monitoring (quarterly monitoring) if it has failed to submit two or more required routine bacteria samples in an 18-month period.
14. On or about July 8, 2005, DES issued another Letter of Deficiency ("July 2005 LOD") to the Water System for failing to submit water samples for bacteria analysis in May 2004 and May 2005. The July 2005 LOD informed the Water System that it was being placed on a standard (quarterly) bacteria sampling schedule with samples now due in the months of February, May, August, and November. The LOD requested the Water System to submit a "make-up" bacteria sample for the missed May 2005 sample by July 22, 2005.
15. The Water System received the July 2005 LOD as evidenced by a signed, undated postal receipt, which was received at DES on July 13, 2005.

16. The Water System submitted the "make-up" bacteria sample by the deadline established in the July 2005 LOD.

17. The Water System failed to submit its required August 2005 bacteria sample.

II. NITRATE MONITORING

18. Env-Ws 326.30 requires all transient, non-community water systems to monitor to determine compliance with the maximum contaminant level ("MCL") for nitrate.

19. Env-Ws 326.32 requires all transient, non-community water systems to monitor for nitrate quarterly for at least one year following a sample in which the concentration of nitrate is greater than or equal to 50% of the nitrate MCL.

20. Env-Ws 316.01 establishes the nitrate MCL at 10.0 mg/L.

21. The Water System collected a nitrate sample on November 27, 1996, which showed nitrate at a level of 19.9 mg/L. Since this sample result exceeded the nitrate MCL, the Water System was placed on quarterly nitrate monitoring.

22. As noted in C.I.6, above, GRJH was sent a letter in November 2000 that described the water sampling requirements and enclosed a Master Sampling Schedule depicting the requirement for quarterly nitrate monitoring.

23. The Water System failed to submit a nitrate sample during the first, second, and third quarters of 2001.

24. On or about December 11, 2001, DES issued a Letter of Deficiency ("December 2001 LOD") to the Water System for failing to submit water samples for nitrate analysis in the first, second, and third quarters of 2001. The December 2001 LOD requested, *inter alia*, that the Water System submit a nitrate sample between January 1, 2002, and March 31, 2002 (first quarter 2002) and each calendar quarter thereafter.

25. The Water System received the December 2001 LOD on December 14, 2001, as evidenced by a signed postal receipt.

26. The Water System submitted a nitrate sample for the fourth quarter of 2001 and the first quarter of 2002.

27. The Water System failed to submit a nitrate sample for the second quarter 2002, but did submit the remainder of the required nitrate samples for 2002 and all of 2003.

28. The Water System failed to submit a nitrate sample for the first quarter of 2004, but did submit the remainder of the required nitrate samples for 2004 and the first quarter of 2005.

29. The Water System failed to submit a nitrate sample for the second quarter of 2005, but has submitted the required nitrate sample for the third quarter of 2005.

D. DETERMINATION OF VIOLATIONS

1. The Water System has violated Env-Ws 325.05 by failing to submit water samples for bacteria analysis in May 2001, May 2002, November 2002, May 2004, May 2005, and August 2005.
2. The Water System has violated Env-Ws 326.32 by failing to submit water samples for nitrate analysis in the first, second, and third quarters of 2001; second quarter 2002; first quarter 2004; and second quarter 2005.

E. ORDER

Based on the above findings, DES hereby orders GRJH as follows:

1. **During the period of October 1, 2005, and December 31, 2005**, submit a nitrate sample to a state-certified laboratory.
2. **During the month of November 2005**, submit a total coliform bacteria sample to a state-certified laboratory.
3. **During the period of January 1, 2006, and March 31, 2006**, submit a nitrate sample to a state-certified laboratory.
4. **During the month of February 2006**, submit a total coliform bacteria sample to a state-certified laboratory.
5. **During the period of April 1, 2006, and June 30, 2006**, submit a nitrate sample to a state-certified laboratory.
6. **During the month of May 2006**, submit a total coliform bacteria sample to a state-certified laboratory.
7. **During the period of July 1, 2006, and September 30, 2006**, submit a nitrate sample to a state-certified laboratory.
8. **During the month of August 2006**, submit a total coliform bacteria sample to a state-certified laboratory.
9. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Alan Leach
Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095
Fax: (603) 271-5171
E-mail: aleach@des.state.nh.us

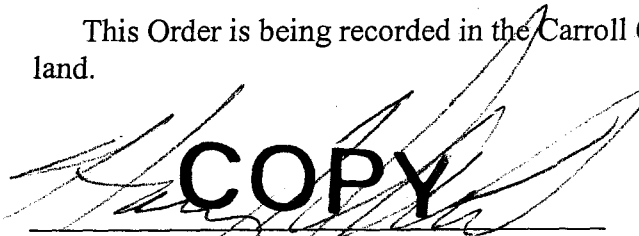
F. APPEAL

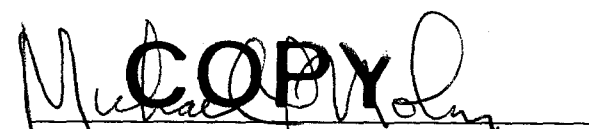
Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve GRJH of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485:58 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. GRJH remains obligated to comply with all applicable requirements, in particular the requirements to submit a routine bacteria sample in the months of February, May, August, and November each year and to submit quarterly nitrate samples each year. DES will continue to monitor GRJH's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Carroll County Registry of Deeds so as to run with the land.


COPY
Harry T. Stewart, P.E., Director
Water Division


COPY
Michael P. Nolin, Commissioner
Department of Environmental Services

Certified Mail/RRR: 7099 3400 0003 0691 2342

cc: Gretchen R. Hamel, Legal Unit Administrator
Public Information Officer, DES PIP Office
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB
Carroll County Registry of Deeds
Board of Selectmen, Town of Madison
James Metz, Sampling Agent
Mark S. Derby, Registered Agent
EPA, Region 1